



Kalamazoo Environmental Council

A Coalition of Kalamazoo Area Environmental Organizations
P.O. Box 127 Kalamazoo, MI 49004-0127

January 1, 2001

Dear Mr. Lyons, Mr. Hahnenberg, and Ms. Reiner:

I am writing on behalf of the Kalamazoo Environmental Council (KEC). The KEC is an association of environmentally active organizations (see list below) and individuals who exist to promote an environment beneficial to life through protection and wise management of natural resources in the public interest.

Following is the letter sent to Senators Levin & Stabenow and Representatives Upton, Hoekstra & Ehlers and on which you were copied. This letter is being sent to you to inform you of our concerns and to receive feedback from you concerning the issues raised below. This form is being used to conserve paper by avoiding a separate piece of paper as a cover letter. Thank you for your understanding, time, and efforts.

The main topic of this letter concerns impacts on the clean up of the Allied Paper, Inc./Portage Creek/Kalamazoo River Superfund Site (the Kalamazoo River Superfund Site), a PCB contaminated site.

It is our understanding that a rider on EPA funding appropriations for FY 2000 and FY 2001 will very likely impact the clean up of the Kalamazoo River Superfund Site. There also appears to be a conflict of interest involved in this funding bill that we would like to bring to your attention.

The Remedial Investigation/Feasibility Study for clean up of the Kalamazoo River Superfund Site continues to be stalled by the potentially responsible parties (PRPs). One clean-up alternative considered by environmental groups is dredging. However, we understand that under a rider on HUD's appropriations bill for 2000, EPA cannot approve dredging unless four criteria are met and in the 2001 bill (being negotiated) EPA cannot dredge except in urgent cases where sediment poses a significant threat. Therefore, EPA could not sign a Record of Decision (ROD) that included dredging in the Kalamazoo River Superfund Site even if dredging was determined by the Superfund process to be the optimal solution for cleanup.

Furthermore, it is our understanding that the rider for this bill was initiated by lawmakers associated with the Hudson River Superfund Site, contaminated with PCBs discharged by General Electric facilities. The rider included wording that will restrict EPA's ability to dredge contaminated sediments until after a National Academy of Sciences (NAS) report on sediment cleanup technologies is released. The NAS project title for this group is "Remediation of PCB Contaminated Sediments."¹ The Project Identification Number is BEST-K-98-07-A.

EPA Region 5 Records Ctr.



284958

¹ Project Scope of the NAS Project:

This NRC study will provide a scientific risk-based framework for evaluating different approaches for remediating PCB-contaminated, submerged sediments in terms of the efficacy and human and ecological risks associated with each approach. In developing a scientific framework, the committee will evaluate data from specific sites with PCB contamination such as the Hudson River, New Bedford Harbor, etc. Remediation approaches to be assessed and compared include natural recovery, source control, dredging, capping, and contaminated-sediment disposal.



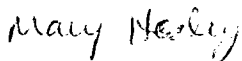
We believe that there is a conflict of interest due to the composition of the NAS project committee whose recommendations will greatly impact the clean-up procedures for PCB contaminated Superfund Sites including the Kalamazoo River Superfund Site. Dr. John Geisy of Michigan State University is a member of this NAS committee. He is also the recipient of a \$1,000,000 contract to conduct independent research regarding the PCB contamination of the Kalamazoo River. The source of this funding is the PRPs (Georgia-Pacific Corporation, Allied Paper Inc., Millennium Holdings, Plainwell Paper Inc., and Fort James Paper Company), i.e., the paper companies who were responsible for the PCB contamination in the first place and who will be held financially accountable for much of the cleanup.

The PRPs have previously influenced the direction of the Kalamazoo River Superfund Site clean-up process by directly asking the Director of the Michigan Department of Environmental Quality (DEQ), Russell Harding, to replace the previous DEQ Project Director for the Site, Scott Cornelius. Mr. Cornelius had spent 10 years working with the PRPs and the superfund process and was almost ready to propose a clean-up plan. His removal by Director Harding, at the request of the PRPs at a strategic time, was clearly an attempt by the PRPs to control the process (enclosed is a copy of the protest letter from KEC sent in March, 2000).

The KEC would like to know your position on the language in the rider. Carol Browner recommended a veto if the bill contained language limiting sediment cleanups. This restrictive rider will very likely slow down the remediation of the Kalamazoo River Superfund Site which has already been unacceptably slow. As you may know, one area of the Kalamazoo River Superfund Site, the Bryant Mill Pond, was very successfully cleaned up in 1998-1999 by the EPA under an emergency action requirement. This relatively quick cleanup demonstrated that PCB levels in a limited area could be reduced to a very low level in a timely manner and within budget. The PRPs should be made to clean up the river without further delay.

Secondly, we would appreciate your inquiry into the appropriateness of Dr. Geisy being on the NAS committee charged to evaluate "different approaches for remediating PCB-contaminated, submerged sediments" and while conducting a \$1,000,000 study sponsored by PRPs of the PCB contaminated Kalamazoo River Superfund Site. We believe that it appears to be a conflict of interest.

Thank you for your time and consideration of these matters,



Mary Hosley
KEC Chair

Copy with enclosure of 3/2000 letter regarding reassignment of Mr. Cornelius to: Mr. Francis Lyons—Region 5 EPA Regional Administrator, Mr. James Hahnenberg—Region 5 EPA, Ms. Beth Reiner—Region 5 EPA, Governor John Engler, Director Russell Harding, Project Mgr. Brian vonGunten, Senator Dale Shugars, Representative Jerry VanderRoest, Representative Tom George, Representative Sandy Lipsey, Kalamazoo County Board of Commissioners & County Administrator, Comstock Township Supervisor, City of Kalamazoo City Manager and Mayor Jones, Parchment City Manager, Portage City Manager, Charleston Township Supervisor, Climax Township Supervisor, Cooper Township Supervisor, Senator William Van Regenmorter, Representative Patricia Birkholz, Otsego Township Trustees, Otsego City Manager, Plainwell City Manager, Chair of the Allegan County Board of Commissioners, Allegan City Manager, Allegan Township Supervisor, Douglas Village Clerk, Gun Plain Township Supervisor, Valley Township Supervisor, Manlius Township Supervisor, Saugatuck Township Supervisor, Trowbridge Township Supervisor, Mayor of the City of Saugatuck, Mr. Ed LaForge, and Mr. Dave Dempsey (MEC).

